

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )

KOEHLER et al. )

Serial No. 10/816,905 )

Filed: September 30, 2004 )

For: METHOD OF INDUCING THE VIRUS RESISTANCE OF PLANTS )

**MAIL STOP MISSING PARTS**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450, on:  
SEPTEMBER 12, 2004

Date of Deposit

KAREN STAMPER

Person Making Deposit

Signature

SEPTEMBER 12, 2004

Date of Signature

Honorable Comm'r. of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts dated October 12, 2004, applicants urge that said Notice was sent in error as the Declaration was enclosed with the application filing papers. Applicants enclose a copy of the Declaration along with the cover sheet for this application indicating that the Declaration was included. Inasmuch as the Declaration references PCT International Application PCT/EP01/04889, filed April 30, 2001, and said International Application is not missing any pages, no further declaration should be necessary. Furthermore, the cover sheet of the present application indicates that the entire disclosure of the parent application is incorporated by reference herein. Therefore, the Declaration covers page 19,

submitted September 29, 2004 (certificated of mailing).

Applicants urge that no fee should be due. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,  
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Jason D. Voight", with a stylized flourish at the end.

Jason D. Voight  
Reg. No. 42,205

1350 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 659-0100

JDV/kas

IFW ✓



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/816,905	09/30/2004	Harald Kohle	51360

CONFIRMATION NO. 2628

Herbert B. Keil  
 KEIL & WEINKAUF  
 1350 Connecticut Ave., N.W.  
 Washington, DC 20036

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OCT 12 2004

FORMALITIES LETTER



\*OC000000014061313\*

Date Mailed: 10/12/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration does not cover the newly submitted items.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

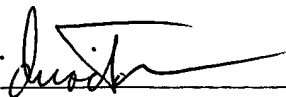
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

11/16/2004 CCHAU1 00000088 110345 10816905

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A handwritten signature in black ink, appearing to be "David", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE